

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

NO. 7:13-CV-124-FL

DON BRADLEY WALLACE,

Plaintiff,

v.

ENHANCED RECOVERY CO.,

Defendant.

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ORDER

This matter comes before the court in furtherance of its planning and scheduling in the above referenced matter. This case was removed to this court from the Bladen County, North Carolina, Superior Court on June 12, 2013. After a period of discovery, defendant filed a motion for summary judgment on April 14, 2014. (DE 18). However, before briefing could be completed the parties moved the court to stay the case pending the outcome of certain proceedings before the Federal Communications Commission ("FCC"). (DE 23, 25).

On May 14, 2014, this court entered an order granting the parties' motion to stay. In its order the court directed the parties to file a joint report outlining their proposed course of action within 15 days of the FCC's ruling. No further action was taken in this matter until June 17, 2015, when the court entered a text order directing the parties to confer and provide to the court a status report.

On July 1, 2015, the parties filed with the court their status report. That report provided that, although the FCC had voted on the relevant rulings it had not yet released the text of those rulings.

(DE 27). The parties requested an additional 10 days after the date on which FCC would release the text of the rulings to propose a case schedule to the court, which the court granted by order entered July 2, 2015. On July 20, 2015, the parties supplemented their status report, indicating that the FCC had released the text of the relevant rulings on July 10, 2015. The parties noted that the rulings did not materially affect plaintiff's claims and requested the court lift the stay and amend its scheduling order, or in the alternative hold a Rule 16 telephonic conference. (DE 29).

Accordingly, the stay of this case is LIFTED. In light of the parties' view that the FCC's rulings did not affect plaintiff's claim, the court dispenses with the parties' request for a telephonic conference. To facilitate resolution of defendant's long-pending summary judgment motion, the court AMENDS its scheduling order as follows:

- Plaintiff shall have **21 days** from the date of entry of this order to respond to defendant's motion.
- Thereafter, defendant may exercise its right to reply as provided under the local rules.
- Further scheduling will occur, if necessary, upon disposition of defendant's summary judgment motion now pending.

SO ORDERED this the 22nd day of July, 2015.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is fluid and cursive, with the first name "Louise" being the most prominent part.

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LOUISE W. FLANAGAN  
United States District Judge